

## DENTAL BOARD OF CALIFORNIA

### MODIFIED TEXT

Changes to the originally proposed language are shown by double underline for new text and double strike-through for deleted text.

#### Article 4.5 California Dental Corps Loan Repayment Program

##### § 1042. Definitions.

For purposes of this article:

(a) “Board” means the Dental Board of California or any committee of the Board to which it delegates authority to make decisions pertaining to the Dental Corps Loan Repayment Program.

(b) “Code” means the Business and Professions Code.

(c) “Dentally underserved area” means the areas as defined in Section 1971(d) of the Code.

(d) “Dentally underserved population,” means those populations as defined in Section 1971(e) of the Code.

(~~ee~~) “Educational loan” means an outstanding government or commercial loan obtained by the applicant and used to pay tuition and fees to attend a dental school, including post-graduate training, approved by the Board.

(~~ef~~) “Employment” means the contractual work relationship between the practice setting and the dentist.

(~~eg~~) “Full-time status” or “full-time practice” means providing dental services for a minimum of 40 hours per week, for a minimum of 45 weeks per year. The 40 hours per week may not be accrued in less than four days per week. The 40 hours per week may be

worked at more than one practice setting (as defined by Section 1971(f) of the code). At least 32 hours per week must be spent providing direct patient care at the approved practice setting(s), and up to 8 hours in practice-related activities, e.g., chart review, meetings, etc. Time spent “on-call” cannot be counted toward the 40-hour week.

~~(h)~~ “Program” means the California Dental Corps Loan Repayment Program described in Article 9.5 of Chapter 4 of Board 2 (commencing with Section 1970) of the code.

~~(i)~~ “Recently received a license” means that the dentist was first issued a license to practice dentistry in any state of the United States or in Canada within 10 (ten) years from the date on which the application for loan repayment is filed.

NOTE: Authority cited: 1614 and 1972, Business and Professions Code. Reference: Sections 1971 and 1972, Business and Professions Code.

#### **§ 1042.1. Guidelines for Selection of Applicants.**

(a) The Board shall give each applicant who meets one of the threshold criteria listed in Section 1972(b)(1) of the code one point for each of those criteria that the applicant meets and one point (or more, as defined) for each of the following criteria that the applicant meets (except that it shall give an applicant two points for speaking a Medi-Cal threshold language and two points for having received significant training in culturally and linguistically appropriate service delivery):

(1) Speaks more than one Medi-Cal threshold language, as defined in Section 1971(g) of the code (one point for each additional language that is spoken by the population served by the clinic(s) at which the applicant will be providing services).

(2) Has additional experience working in a health field related to dentistry in a dentally underserved area (one point for each year).

(3) Is not participating in any other educational loan repayment program at the time of application.

(4) Is entitled to hold him or herself out as a specialist under Section 651(h)(5)(A)(i) of the code because he or she completed a specialty education program approved by the American Dental Association and Commission on Dental Accreditation; is eligible for examination by a national specialty board recognized by the American Dental Association; or is a Diplomate of a national specialty board recognized by the American Dental Association (one point for each specialty).

(5) Completed an extra-mural program or rotation during dental school or postgraduate training in which the applicant provided services to a population that speaks any Medical threshold language, as defined in Section 1971(g) of the code.

(6) Will be providing dental services at multiple practice settings (as defined in Section 1971(f) of the code) (one point for each additional setting); or will be providing service at a practice setting that is organized as not-for-profit corporation or a community clinic (as defined in Section 1971(f)(1) of the code).

(7) Is willing to participate in the program if he or she is granted either less than he or she requests in repayment, or less than the maximum repayment allowed under the program.

(8) Any other statement or information indicating the applicant's interest in participating in the program, the area that the applicant desires to work, and the population that the applicant desires to serve.

(b) The number of points that an applicant receives shall not be the determinative factor in selecting dentists to participate in the program. The Board shall, consistent with the

program, determine the needs for dentist services identified by the practice setting in which the participant will be providing services ensuring, at a minimum, that the practice setting is located in a dentally underserved area and that participant serves a patient population that consists of at least 50% dentally underserved populations. The Board shall, consistent with the program, seek to place the most qualified applicants in the areas with the greatest need considering ~~providing priority consideration to~~ applicants who, ~~in its sole discretion~~, are best suited to meet the cultural and linguistic needs and demands of patients ~~from dentally underserved populations~~ dispersed throughout California. In its applicant selection the Board shall, consistent with the program and applicant pool, seek to achieve a geographic distribution that best addresses the needs of dentally underserved areas of urban and rural California, northern and southern California, and the unmet cultural and linguistic needs of the widest spectrum of dentally underserved populations.

NOTE: Authority cited: 1614 and 1972, Business and Professions Code. Reference: Sections 1971 and 1972, Business and Professions Code.

#### **§ 1042.2. Application; Process.**

(a) A dentist who desires to participate in the program shall submit an application to the Board on a form prescribed by the Board, which includes all of the following:

(1) Applicant's name, California dental license number, address, telephone numbers, social security number, date of birth, e-mail address (if available), permit number of any permits issued by the Board, and date of issuance of first dental license and issuing body.

(2) Which of the criteria listed in Section 1972(b)(1) of the code or in section 1042.1 the applicant meets and why, including dates of and institutions where postgraduate training occurred.

(3) The name of each lender from which the applicant obtained an educational loan, together with the most current loan statement(s) that contains the lender's name(s) and mailing address(es), the applicant's name and loan account number(s), the outstanding balance(s) of the loan, the purpose for which the loan(s) was (were) given, and the date on which the loan statement(s) was (were) issued.

(4) Whether the applicant has ever been in default or had a judgment lien against the applicant for any debt, and an explanation for each default or judgment lien.

(5) Whether the applicant is willing to sign, or has signed, a written agreement with the practice setting(s) committing to three years of full-time service in a dentally underserved area.

(6) The name and address of each practice location at which services are to be provided under the program.

(7) A statement authorizing release to the Board of information enumerated in the application and any attachments thereto.

(8) A certification under penalty of perjury, signed and dated by the practice setting's administrative officer, whose name is printed below his/her signature, that the facility has entered into an agreement with the applicant for a minimum of three years; that the applicant can speak a Medi-Cal threshold language effectively in order to provide service; that it will pay the applicant a prevailing wage and not offset any loan repayments by the program against the applicant's salary; and that it is a "practice setting" as defined in Section 1971(f) of the code.

(9) A certification under penalty of perjury as to the contents of the application and any attachments, signed and dated by the applicant.

(b) Application filing periods will be dependent upon available funding and the number of openings in the program. Every application filing period shall be posted on the board's website and shall close not earlier than 30 days after the date on which openings are first posted. Section 1042.3(a) notwithstanding, an application that is either not complete or not received by the final filing date shall not be considered, and shall be returned to the applicant.

NOTE: Authority cited: 1614 and 1972, Business and Professions Code. Reference: Sections 1971 and 1972, Business and Professions Code.

### **§ 1042.3. Application Processing Times.**

(a) Within 15 working days of receipt of an application to participate in the program, the Board shall inform the applicant in writing whether the application is complete and accepted for filing or is deficient and what specific information is required, or whether the application period has closed.

(b) Within 120 working days from the date of filing of a complete application, the Board shall inform the applicant in writing of its decision on the application.

NOTE: Authority cited: Section 1614, Business and Professions Code. ~~Section 15376, Government Code.~~ Reference: Sections 1970-1976, Business and Professions Code. ~~and Section 15376, Government Code.~~

### **§ 1042.4. Program Implementation.**

(a) Within 60 days of the Board's notification of acceptance into the program, the participating dentist shall sign a written agreement with the Board committing to all terms of the program and acknowledging the amount to be received under the program and that repayment will be made in accordance with Section 1975 of the code.

(b) Loan repayment under the program shall be made to the participating dentist and in accordance with Section 1975 of the code. If a dentist participating in the program is awarded a loan repayment of less than \$105,000, 24 percent of the total loan repayment amount will be made after completing one year of service under the program, 33 percent made after completing two consecutive years of service under the program, and 43 percent after completing three consecutive years of service under the program.

(c) Absence from the practice cannot exceed 7 weeks, paid or unpaid, in a calendar year, except as otherwise required in order to comply applicable state and federal law.

(d) If the participating dentist ceases full-time practice, but returns to qualifying full-time practice within 90 days after reduction or termination of employment, loan repayment shall be proportionately reduced by the time spent away from qualifying practice during that contract year. The participating dentist shall notify the Board pursuant to section 1042.5(a). Whenever the Board has evidence of such a reduction or termination, the Board shall notify the participating dentist in writing of any proportionate reduction of repayment of funds received under the program. The dentist may petition the Board for modification of the reduction of repayment. The petition shall be in writing, accompanied by those documents necessary to establish the basis for the petition, and shall be filed with the Board not later than 90 days after the date of the notification of reduction by the Board. A petition shall be accepted for filing only if it is based on one or more of the following grounds:

(1) The dentist was terminated without cause.

(2) The dentist ceased or reduced full-time employment due to factors beyond the dentist's control.

(3) Both the practice setting and the dentist agreed to the termination of the dentist's employment.

The petition shall be accompanied by a certification under penalty of perjury, signed and dated by the practice setting's administrative officer, whose name is printed below his/her signature, that the participating dentist has returned to full-time employment or, where the participating dentist has found subsequent employment, that the facility has entered into an agreement with the applicant for a minimum of three years; that the applicant can speak a Medi-Cal threshold language effectively in order to provide service; that it will pay the applicant a prevailing wage and not offset any loan repayments by the program against the applicant's salary; and that it is a "practice setting" as defined in Section 1971(f) of the code. The participating dentist will be required to sign a new or amended agreement required by section 1042.4(a).

(e) The participating dentist must maintain a valid, active, current, and unrestricted license for the duration of the program. Whenever the Board has evidence that the participating dentist's license is invalid, inactive, not current, or restricted, the Board may, in its discretion, terminate the participating dentist from the program, and/or notify the participating dentist in writing of any amounts to be repaid to the Board, and the date by which the dentist shall make such repayment. The dentist may petition the Board for modification of the termination or reduction of repayment. The petition shall be in writing, accompanied by those documents necessary to establish the basis for the petition, and shall be filed with the Board not later than 90 days after the date of the notification of termination or reduction by the Board. A petition shall be accepted for filing only if it is based on one or more of the following grounds:

(1) The act(s) leading to the participating dentist's license becoming invalid, inactive, not current, or restricted was inadvertent.

(2) The act(s) leading to the participating dentist's license becoming invalid, inactive, not current, or restricted were unrelated to the practice of dentistry.

(3) Any restrictions on the license of the dentist do not interfere with the safe practice of dentistry.

The petition shall be accompanied by a certification under penalty of perjury, signed and dated by the practice setting's administrative officer, whose name is printed below his/her signature, that the participating dentist is still engaged in or has returned to full-time employment and that any restrictions on the license of the dentist do not interfere with the safe practice of dentistry. The Board shall review petitions and supporting documents. It shall notify the petitioning dentist in writing of its decision within 60 days after receipt of the petition.

NOTE: Authority cited: 1614, ~~1970.5~~ and 1972, Business and Professions Code.  
Reference: Sections 1970.5-1975, Business and Professions Code.

**§ 1042.5. Process and Penalties When Dentist is Unable to Complete Obligation as Agreed Upon; Notification.**

(a) A dentist participating in the program shall notify the Board in writing within 15 working days of any change in the dentist's full-time status including, but not limited to, a decrease in the required number of hours providing dental services, termination, resignation, or a leave of absence in excess of the time permitted in section 1042.4(c). Such notice shall be given whether or not the participating dentist returns to qualifying full-time status within 15 working days.

(b) A dentist participating in the program who is unable to complete the required three years of service shall be required to repay to the Dental Board of California an amount equal to the total amount of loan repayment paid by the program. Whenever the Board has evidence of an inability to complete the obligation, the Board shall notify the participating dentist in writing of any amounts to be repaid to the Board, and the date by which the dentist shall make such repayment. A dentist who is unable to complete the required three years of service shall make such repayment of the required amount to the Board within one calendar year after notification by the Board.

(c) The dentist may petition the Board for modification of the amount and/or time for repayment of funds received under the program. The petition shall be in writing, accompanied by those documents necessary to establish the basis for the petition, and shall be filed with the Board not later than 90 days after the date of the notification for repayment by the Board. A petition shall be accepted for filing only if it is based on one or more of the following grounds:

(1) The dentist was terminated without cause.

(2) The dentist was unable to complete the required three years of service due to factors beyond the dentist's control.

(3) Both the practice setting and the dentist have agreed to the termination of the dentist's employment, and the dentist has been unsuccessful in obtaining subsequent qualifying employment within 3 months after termination of employment.

(d) The Board shall review petitions and supporting documents. It shall notify the petitioning dentist in writing of its decision within 60 days after receipt of the complete petition.

(e) Failure to notify the Board in accordance with subsection (a) above, or to repay the amount due within one calendar year as required in subsection (b) above, ~~shall~~ constitutes unprofessional conduct and ~~shall subject the~~ is grounds for discipline of the dentist's license ~~to discipline~~. Failure to repay the debt as required ~~It~~ shall ~~also~~ result in the accrual of interest at prime on the outstanding balance from the time of default. In addition, the Board will pursue all its available legal remedies including, but not limited to ~~accrual of interest on the outstanding balance~~, reporting of the default to credit agencies, lien(s) on the dentist's personal property, ~~and~~ garnishment of the dentist's future wages, ~~It will also subject the dentist to any~~ additional civil ~~action resulting in~~ damages, ~~including and~~ the imposition of attorney's fees.

NOTE: Authority cited: 1614, 1680, ~~1070-5~~, and ~~1072-1972~~, Business and Professions Code. Reference: Sections ~~1072~~ 1972, Business and Professions Code.

#### **§ 1042.6. Program Reinstatement.**

(a) The participating dentist may petition the Board for reinstatement into the program. The petition shall be in writing, accompanied by those documents necessary to establish the basis for the petition, and shall be filed with the Board not later than one calendar year after the date of the notification from the Board in subsection (b). The petition shall explain why the factors contributing to the petitioner's inability to complete the prior obligation no longer exist. A petition shall be accepted for filing only if it is based on one or more of the following grounds:

(1) The dentist was terminated without cause.

(2) The dentist was unable to complete the required three years of service due to factors beyond the dentist's control.

(3) Both the practice setting and the dentist agreed to the termination of the dentist's employment.

The petition shall be accompanied by a certification under penalty of perjury, signed and dated by the practice setting's administrative officer, whose name is printed below his/her signature, that the facility has entered into an agreement with the applicant for a minimum of three years; that the applicant can speak a Medi-Cal threshold language effectively in order to provide service; that it will pay the applicant a prevailing wage and not offset any loan repayments by the program against the applicant's salary; and that it is a "practice setting" as defined in Section 1971(f) of the code.

(b) The Board shall review the petition and supporting documents. It shall notify the petitioning dentist in writing of its decision within 60 days after receipt of the completed petition. The Board shall grant or deny the petition based upon, in its sole discretion, available funds and the cultural and linguistic needs, and demands of the patients from dentally underserved populations, and the petitioner's ability to comply with the terms of the program.

NOTE: Authority cited: 1614, ~~1070.5~~, and ~~1072~~, 1972, Business and Professions Code.  
Reference: Sections ~~1072~~, 1972 Business and Professions Code.